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SEP 24 2004

OFFICE OF PETITIONS

In reApplication of : DECISION ON
Schneider et al. : REQUEST
Application No. 10/708,631 :
Filed: March 16, 2004 :
Attorney Docket No. 35041/400400 :

The above-identified application has been forwarded to this office for consideration of the paper styled "Request to Withdraw Early Publication Request" filed June 14, 2004. Applicant requests that the application be withdrawn from early publication and that the early publication fee be credited to the application.

The request is dismissed.

Applicant requested early publication on March 16, 2004. The application was scheduled for early publication on August 26, 2004. The application was published on August 5, 2004 as Patent Application Publication 2004/0153365 A1. It is too late to withdraw the early publication request as the application has already published.

Refunds are not granted by the Office for fees that were properly paid by an applicant. See 37 CFR 1.26(a). Applicant requested early publication and he was properly charged the publication fee.

The application will be examined in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-8122.

Mark O. Polutta
Legal Advisor
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Office of the Deputy Commissioner
for Patent Examination Policy